

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PATRICK L. STUARD,)
)
 Claimant,)
)
 v.)
)
TURNER CORPORATION, dba)
ARCHITECTURAL WALL SOLUTIONS,)
)
 Employer,)
)
 and)
)
LIBERTY MUTUAL FIRE INSURANCE)
COMPANY,)
)
 Surety,)
)
 Defendants.)
_____)

IC 04-505273

ORDER

Filed December 9, 2005

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is entitled to medical benefits relating to his thoracic surgery.
2. Claimant is entitled to total temporary disability benefits from May 24, 2004, through November 10, 2004, and Defendants are entitled to a credit or reduction in the event Claimant worked for Employer from May 24, 2004, until his surgery on July 15, 2004.

3. Claimant is entitled to a 22% whole person permanent partial impairment rating for his March 1, 2004 injury without apportionment for pre-existing conditions.

4. Claimant is not entitled to permanent partial disability benefits above permanent partial impairment.

5. Claimant is not entitled to retraining benefits.

6. Claimant is not entitled to attorney fees.

7. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __9th__ day of __December____, 2005.

INDUSTRIAL COMMISSION

____/s/_____
Thomas E. Limbaugh, Chairman

____/s/_____
James F. Kile, Commissioner

____/s/_____
R. D. Maynard, Commissioner

ATTEST:

____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __9th__ day of __December____, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

RICHARD KIM DREDGE
PO BOX 9499
BOISE ID 83707-3499

MONTE R WHITTIER
PO BOX 6358
BOISE ID 83707-6358

____/s/_____

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